

Regular Meeting
Frankfort Board of Commissioners

March 27, 2006
5:30 P.M. (EST)

PRESENT

Commissioner Kathy Carter
Commissioner Lynn Bowers
Commissioner Rodney Williams
Commissioner J. W. Bryan
Mayor William I. May, Jr. (5)

ABSENT

None (0)

The Invocation was given by Reverend Lewis Newby, Pastor of the First Corinthian Baptist Church. The Pledge of Allegiance led by John Hammond.

It was moved by Commissioner Bowers that the minutes of February 13, 2006; February 27, 2006; and March 13, 2006 be read. The motion died for lack of a second.

Commissioner Bowers requested that minutes of the February 27, 2006 Regular Meeting be corrected. It was moved by Commissioner Williams, seconded by Commissioner Bryan that the reading of the minutes of January 9, 2006 Work Session; January 12, 2006 Work Session; January 23, 2006 Regular Meeting; February 13, 2006 Work Session; February 27, 2006 Regular Meeting, as corrected; and the March 13, 2006 Work Session be dispensed with and approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Williams, Bryan and Mayor May (4). Voting against the motion was Commissioner Bowers (1). The motion was thereupon adopted.

It was moved by Commissioner Williams, seconded by Commissioner Carter, to find that the property identified at 1300 Louisville Road is adjacent to other high-density residential properties, as stated on page 74. line 16 of the verbatim transcript of the October 25, 2005 Frankfort/Franklin County Planning Commission public hearing. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Finding of Fact #1).

It was moved by Commissioner Williams, seconded by Commissioner Carter, that the Board of Commissioners finds that, based on page 90, line 3 of the verbatim transcript, the applicant's request for a zone change is not consistent with the adopted Comprehensive Plan. The question was put upon the motion, and was adopted by voice vote (Finding of Fact #2).

It was moved by Commissioner Williams, seconded by Commissioner Carter, to close accepting findings of fact. The question was put upon the motion, and adopted by voice vote.

It was moved by Commissioner Williams, seconded by Commissioner Carter, that a "RESOLUTION BY THE BOARD OF COMMISSIONERS OF THE CITY OF FRANKFORT OVERRULING THE ZONING MAP AMENDMENT RECOMMENDED BY THE FRANKFORT/FRANKLIN COUNTY PLANNING COMMISSION FOR PROPERTY IDENTIFIED AS 1300 LOUISVILLE ROAD FROM HIGH-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (RH) TO LIMITED COMMERCIAL (CL), MORE SPECIFICALLY DESCRIBED AS PVA MAP #049-40-01-002.00" be denied based on Findings of Fact #1 and #2. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 4, 2006 Series).

"AN ORDINANCE REZONING AN 11.25-ACRE PARCEL OF PROPERTY LOCATED AT THE INTERSECTION OF GALBRAITH ROAD AND KY 676 (EAST-WEST CONNECTOR) WITH THE PVA MAP #086-00-00-027.00 FROM (PR) PLANNED RESIDENTIAL TO (RL) LOW-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT" was presented and read. This ordinance had its first reading on February 27, 2006. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 2, 2006 Series).

"AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES CHAPTER 37, PERSONNEL; CITY EMPLOYEES, SECTION 37.11, COMPENSATORY LEAVE" was presented and read. The ordinance had its first reading on February 27, 2006. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 3, 2006 Series).

"AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES CHAPTER 37, PERSONNEL: CITY EMPLOYEES, SECTION 37.45, ENTRY LEVEL SALARIES AND SALARIES OF SPECIALLY QUALIFIED PUBLIC SAFETY PERSONNEL" was presented and read. The ordinance had its first reading on February 27, 2006. It was moved by Commissioner Carter, seconded by Commissioner Bowers, that the ordinance be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The ordinance was thereupon adopted (Ordinance No. 4, 2006 Series).

"AN ORDINANCE AMENDING ORDINANCE NO. 8, 1983 SERIES, ARTICLE 12, SECTION 12.02 – TABLE OF REQUIRED PARKING, BY ADDING LANGUAGE THAT SPECIFICALLY ADDRESSES PARKING AT FUEL PUMPS" was presented and read.

"AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES CHAPTER 36, ADMINISTRATION, SECTION 36.051, SIGNING CHECKS" was presented and read.

Following citizen comment and discussion, "AN ORDER AMENDING ESTABLISHED POLICIES REGARDING REIMBURSEMENT OF TRAVEL EXPENSES FOR CITY OFFICIALS AND EMPLOYEES" was presented. It was moved by Commissioner Bryan, seconded by Commissioner Carter, that the Order be approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter and Bryan, and Mayor May (3). Voting against the motion were Commissioners Bowers and Williams (2). The motion was thereupon adopted (Order No. 4, 2006 Series).

The following miscellaneous and personnel items were presented:

- 6.1 Authorized the Mayor to sign a Contract Agreement with CSX Transportation increasing the annual fee for sewer crossing CSX right-of-way; annual fee raised from \$10 per year to \$60 per year for each agreement (Sewer Department);
- 6.2 Authorized to increase the contract limit on BFI contract for disposal of dewatered biosolids at the wastewater treatment plant; the new contract amendment will be for \$50,000, which should cover disposal costs for the remainder of this Fiscal Year; funding is available in the amount of \$90,000 in account # 300.68.56550 (Sewer Department).
- 6.3 Authorized additional funds for the engineering contract with Bell Engineering, Inc. for the new liquid oxygen ozone disinfection system at the Wastewater Treatment Plant; additional funding of \$17,000 will increase total engineering support cost to \$37,000; funds are available in account 300.68.56550 (Sewer Department).
- 6.4 Authorized a contract extension with FMSM Engineers for Engineering Services associated with the construction of the Ewing Street Force Main crossing of Benson Creek; contract extension is due to additional construction time to complete the project necessitated by permitting

- issues with CSX Transportation and the KY Transportation Cabinet; cost of contract extension is \$48,000, increasing the total cost to date to \$205,564; funds are available in account 300.68.56550 (Sewer Department);
- 6.5 Authorized Public Works to secure approval from the KDOT and to create and install seven (7) Historic District signs within the public right-of-way to identify the entrances of the City's Historic Districts, as supported by the Architectural Review Board and Planning Department (Planning and Building Codes);
- 6.6 Approved a Professional Services Agreement with Strand Engineers to assist the City with the Phase 2 Stormwater Permit implementation; Strand will assist the City in implementing the Storm Water Quality Management Plan (SWQMP) and Phase 2 Program for permit year 4; the Services to be performed on a time and expense basis with a not-to-exceed fee of \$71,000; funds are available in the Advisory Technical Account 100-61-53210 (Public Works);
- 6.7 Authorized two (2) lease agreements for golf course equipment, with Midwest Golf and Turf financed by Textron Financial Corporation (Lease #1), and John Deere Municipal Equipment (Lease #2); both leases to run four years with a monthly cost for Lease #1 of \$1,710 and for Lease #2 \$1,859.50; funds budgeted in Account No. 100.79.5655 (Parks and Recreation);
- 6.8. Authorized a bid for pool chemicals for the 2006 swimming season to Swim Pro Supply for Calcium Hypochlorite Tablets at \$91.85 per drum; Ulrich Chemical for 55 Gallon Drum of 20 Deg. Muriatic Acid at \$100.00 per drum; Ulrich Chemical for 15 Gallon Drum Muriatic Acid at \$28.00 per drum; and Ulrich Chemical for 25 Lb. Drum Granular Cynauric Acid at \$42.00 per drum; anticipated costs for pool chemicals at \$17,500 from Account No. 100.82.54335, half to be paid from budget year ending June 30, 2006 and half from budget year ending June 30, 2007 (Parks and Recreation).
- 6.9 Authorized bid award for renovation of Paul Weddle Field concession stand, construction of restrooms at Paul Weddle Field, construction of restrooms at Cove Spring Nature Preserve, and renovation of four restrooms at East Frankfort Park shelters; total contract amount of \$137,161.68; funds available in Account Nos. 100.87.56550, 100.87.55465, and 100.80.56550 (Parks and Recreation);
- 6.10 Authorized bid award to Harrod's Diesel Towing and Recovery for towing and storage of vehicles impounded by the City; cost of \$100 per month available in Account No. 100.43.53295 (Finance);
- 6.11 Authorized the purchase of eleven (11) Police pursuit vehicles; purchase to be made under State Contract Master Agreement #C-04534210 at the contract price of \$19,985, including preparation and delivery, for a total purchase price of \$219,835; units to be purchased from Country Side Motors, Lawrenceburg, KY; funding available in Account No. 100.43.56550 (Police Department);
- 6.12 Authorized the Mayor to sign a Federally Funded Memorandum of Agreement between the City of Frankfort and the Commonwealth of Kentucky Environmental and Public Protection Cabinet, Department of Environmental Protection, Division of Water and the Farmdale Sanitation District; grant to pay a portion of 201 Facilities Plan Update revision for the Farmdale area; funds to be awarded to Farmdale Sanitation District but City of Frankfort required to sign; \$15,000 grant to offset cost of updating the Facilities 201 Plan (Sewer Department);
- 6.13 Authorized filing of a grant application for 2006 Office of Domestic Preparedness (ODP) Fire Act Grant, and authorizing the Mayor to sign all grant-related documents; application deadline April 7, 2006; application to include funding for equipment and firefighter health and safety; up to \$20,000 required to satisfy 10% match must be appropriated in Fiscal Year 2006-2007 (Fire Department);
- 6.14 Authorized disposition of delinquent Ad Valorem Property Tax and Ambulance Service bills for the year 2005 through Kentucky Account Services for a fee of 30% (Finance Department);
- 6.15 Authorized a sewer extension contract with Chad Peach, Member, The Vineyards, LLC for property located at Tuscany Lane, Franklin County, Kentucky; property zoned for development of 59 condominium units on one residential lot; improvements include 9 manholes and 1,641 feet of 8-inch SDR 36 pipe serving lot number 2 Brighton Court Subdivision and Tract 4 of the W.S. May and Karen G. May property; sanitary sewer plans and specifications have been approved by the Division of Water; final acceptance contingent upon completion of 30-day waiting period for testing after construction completion (Sewer Department);
- 6.16 Authorized a sewer extension contract with Rickey D. Harp, President & CEO, of Farmers Banks & Capital Trust Company for property located at 1401 Louisville Road, Franklin County, Kentucky; property zoned for commercial development of 1 commercial lot, with improvements including 1 new manhole and 158 feet of 8-inch SDR 35 pipe; the Division of Water has approved the sanitary sewer plans and specifications; final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed (Sewer Department);
- 6.17 Authorized sewer extension contract with Jeffrey Poe, Member, Pine Woods Development, LLC, for property located at U.S. 421 South, Franklin County, Kentucky; property zoned for residential development of 66 residential lots, with improvements including 22 new manholes and 4,624 feet of 8-inch SDR 35 pipe serving the lot numbers 1 through 66; the Division of Water has approved the sanitary sewer plans and specifications; final acceptance is contingent upon completion of the 30-day waiting period for testing after construction is completed (Sewer Department); and
- 6.18 Authorized the following personnel action:
- Confirmed Joel Dunmire as a Patrol Officer, effective 3-28-09 (Police Department).

It was moved by Commissioner Carter, seconded by Commissioner Bryan, that all items on Consent Agenda be approved. All members being present and no objection having been filed with the City Clerk, the motion was thereupon adopted by general consent.

It was moved by Commissioner Bowers, seconded by Commissioner Carter, to accept the Mayor's recommendation to appoint Charles Booe to the Frankfort/Franklin County Planning Commission. Mr. Booe's term would expire 7-1-06 and would complete the term of Carlos Pugh, who resigned. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

It was moved by Commissioner Carter, seconded by Commissioner Bryan, to authorize awarding a contract and enter into an agreement with Jordan, Jones & Goulding (JJG) for consulting services regarding the preparation of a Holmes Street Redevelopment Master Plan. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Bryan, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Special Projects).

There was discussion concerning communication with Commissioners on matters of city business. City Manager volunteered to communicate using block e-mails.

Citizen Comments

Terry Sutton requested the Board reconsider the Order changing his address to 402/404 Kentucky Avenue. It was moved by Commissioner Bowers to rescind the Order changing Mr. Sutton's address to 901 Taylor Avenue (Order No. 1, 2005 Series) and change Mr. Suttons address back to 402/404 Kentucky Avenue. The motion died for lack of a second.

Elizabeth Wood, a student at Collins Lane School, presented a Petition with over 460 signatures, requesting the City consider an ordinance requiring restaurants become smoke free. Dr. Connie White spoke in favor of an ordinance to ban smoking in restaurants and asked for a time frame for Commission action on this issue. Following discussion, City Solicitor directed to prepare a draft ordinance for review during work session May 8. Upon a suggestion by Commissioner Bryan, it was agreed for City Solicitor to draft a resolution voluntarily requesting restaurants go smoke-free for consideration at the April 10 work session.

John Hammonds commended Miss Woods for her presentation.

Commissioner Comments

Commissioner Carter congratulated Lisa Lynch of the City Finance Department on her recent marriage; commended Parks and Recreation employees Russ Hatter and Nicky Hughes for the displays of old photographs in vacant store windows downtown; and commended Public Works employee Bob Tillett, having received compliments from citizens about him.

Commissioner Bowers thanked Police Chief Wilhoite and the Frankfort Police Department for patrolling in an area where dogs have been running loose; and announced Kentucky State University's Annual Roundtable of African American Studies the coming weekend.

Commissioner Bryan commented on the recent meetings with FEMA and recognized Public Works Director Jeff Hackbart for his efforts in including the Corps of Engineers in discussions; at Commissioner Bryan’s request, City Manager reported on efforts to contact the Flint Group in briefing the Kentucky Congressional Delegation on this issue.

At the request of Commissioner Williams, there was discussion of the city’s authority under KRS 100 when property changes ownership during a rezoning process, specifically to a quasi-governmental agency. Without objection, the Board reverted to New Business to further discuss the issue. Following additional discussion, Planning and Zoning staff directed to report back within the next 60 days on details of amending Frankfort’s zoning ordinance to address this transfer of ownership interest during the rezoning process in the future.

Upon a motion by Commissioner Bowers, the meeting adjourned at 7:36 p.m.

Mayor

Attest:

City Clerk